

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10545-RGS

LINDA MALLOY, Administratrix of the
Estate of Willie L. Murray, Jr.,
Mother, Guardian and Next Friend
Willie L. Murray, III.
Plaintiff,

v.

CITY OF BOSTON and OFFICER SHAWN
WEST,
Defendants.

**JOINT MOTION OF DEFENDANT CITY OF BOSTON AND PLAINTIFF
LINDA MALLOY TO WITHDRAW "PLAINTIFF'S RULE 37 MOTION FOR
ORDER COMPELLING DISCOVERY"**

The parties, Defendant City of Boston and Plaintiff Linda Malloy (the "parties"), hereby request that Plaintiff's Rule 37 Motion for Order Compelling Discovery (filed 10/10/06, Document 20) be withdrawn from consideration by the Court. As reasons for the joint motion, the parties state:

1. Counsel for the parties have conferred and agreed to this motion, thereby making Plaintiff's Rule 37 motion moot.
2. Attorney Tom Donohue has recently been assigned to this civil rights, wrongful death and negligence action.
3. Defendant City of Boston has now provided Plaintiff Malloy and Codefendant Shawn West with its auto disclosures.
4. The parties agree that the City will provide Plaintiff Malloy with documents by Friday, October 27, 2006.

5. The City will respond to Plaintiff's interrogatories by Friday, November 3, 2006.
6. Further, the parties City of Boston and Ms. Malloy have agreed to request an extension in the discovery schedule. To that end, the parties will confer with counsel for Codefendant West and will submit a motion to the Court.
7. No parties will be prejudiced by this motion and it furthers the interest of justice.

Wherefore, the parties, City Of Boston and Ms. Malloy, respectfully request that Plaintiff's Rule 97 Motion for Order Compelling Discovery be withdrawn.

Respectfully submitted,

PLAINTIFF LINDA MALLOY
By her attorney:

DEFENDANT CITY OF BOSTON
By its attorneys:

William F. Sinnott
Corporation Counsel

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Dated: October 24, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and will therefore be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as nonregistered participants on October 24, 2006.

Thomas Donohue
/s/ Thomas Donohue